

VIOLATIVE SALES OF PRESCRIPTION DRUGS

4221. Misbranding of pentobarbital sodium capsules, diethylstilbestrol tablets, and tablets containing a mixture of sulfamerazine, sulfadiazine, and sulfathiazole. U. S. v. Eugene G. Barken. Plea of guilty. Fine, \$300. (F. D. C. No. 35179. Sample Nos. 62941-L, 63014-L, 63023-L.)

INFORMATION FILED: October 16, 1953, Eastern District of Missouri, against Eugene G. Barken, pharmacist and manager of Barken's Delmar Loop Pharmacy, University City, Mo.

NATURE OF CHARGE: On or about May 10 and 20, 1953, while a number of *pentobarbital sodium capsules, diethylstilbestrol tablets, and tablets containing a mixture of sulfamerazine, sulfadiazine, and sulfathiazole* were being held for sale at Barken's Delmar Loop Pharmacy, after shipment in interstate commerce, the defendant caused various quantities of the drugs to be dispensed without a prescription from a practitioner licensed by law to administer such drugs. Such acts of dispensing were contrary to the provisions of Section 503 (b) (1), and resulted in the dispensed drugs being misbranded while held for sale.

DISPOSITION: October 30, 1953. The defendant having entered a plea of guilty, the court fined him \$300.

4222. Misbranding of methamphetamine hydrochloride tablets, thyroid tablets, and tablets containing a mixture of phenobarbital, acetophenetidin, and acetylsalicylic acid. U. S. v. William F. Cope, Jr. (Standard Drug Co.). Plea of nolo contendere. Fine, \$4. (F. D. C. No. 35158. Sample Nos. 36686-L, 36687-L, 57118-L, 70734-L.)

INFORMATION FILED: October 2, 1953, Middle District of Tennessee, against William F. Cope, Jr., trading as the Standard Drug Co., Pulaski, Tenn.

NATURE OF CHARGE: On or about January 19 and 22, February 28, and March 3, 1953, while a number of *methamphetamine hydrochloride tablets, thyroid tablets, and tablets containing a mixture of phenobarbital, acetophenetidin, and acetylsalicylic acid* were being held for sale at the Standard Drug Co., after shipment in interstate commerce, the defendant caused various quantities of the drugs to be dispensed without a prescription from a practitioner licensed by law to administer such drugs. Such acts of dispensing were contrary to the provisions of Section 503 (b) (1), and resulted in the dispensed drugs being misbranded while held for sale.

DISPOSITION: November 18, 1953. The defendant having entered a plea of nolo contendere, the court fined him \$1 on each count for a total fine of \$4.

4223. Misbranding of secobarbital sodium capsules and dextro-amphetamine sulfate tablets. U. S. v. Pantaze Drug Co. and Harris B. Renfroe. Pleas of nolo contendere. Fine of \$50 against each defendant. (F. D. C. No. 35097. Sample Nos. 47020-L to 47023-L, incl.)

INDICTMENT RETURNED: September 23, 1953, Southern District of Mississippi, against the Pantaze Drug Co., a corporation, Meridian, Miss., and Harris B. Renfroe, secretary-manager of the corporation.

NATURE OF CHARGE: On or about October 13, 1952, and January 20, 1953, while a number of *secobarbital sodium capsules and dextro-amphetamine sulfate tablets* were being held for sale at the Pantaze Drug Co., after shipment in interstate commerce, the defendants caused various quantities of the drugs

to be dispensed without a prescription from a practitioner licensed by law to administer such drugs. Such acts of dispensing were contrary to the provisions of Section 503 (b) (1), and resulted in the dispensed drugs being misbranded while held for sale.

DISPOSITION: October 2, 1953. The defendants having entered pleas of nolo contendere, the court fined each defendant \$50.

4224. Misbranding of sulfathiazole tablets. U. S. v. Elmer E. Reese (Reese Drug Co.). Plea of guilty. Fine, \$25. (F. D. C. No. 34821. Sample Nos. 46303-L, 46304-L, 46306-L.)

INFORMATION FILED: October 1, 1953, Middle District of Alabama, against Elmer E. Reese, trading as the Reese Drug Co., Phenix City, Ala.

NATURE OF CHARGE: On or about July 22, 23, and 25, 1952, while a number of *sulfathiazole tablets* were being held for sale at the Reese Drug Co., after shipment in interstate commerce, the defendant caused various quantities of the drug to be dispensed without a prescription from a practitioner licensed by law to administer such drug. Such act of dispensing was contrary to the provisions of Section 503 (b) (1), and resulted in the dispensed drug being misbranded while held for sale.

DISPOSITION: October 1, 1953. The defendant having entered a plea of guilty, the court fined him \$25.

4225. Adulteration and misbranding of Cobiplex elixir, Probese capsules, and Sedamar elixir. U. S. v. 10 Bottles, etc. (F. D. C. No. 35303. Sample Nos. 51253-L, 51255-L, 51259-L.)

LIBEL FILED: June 10, 1953, Southern District of New York.

ALLEGED SHIPMENT: On or about December 8, 1952, and February 11 and April 9, 1953, by the Mara Laboratories, from Harrison, N. J.

PRODUCT: 10 1-pint bottles of *Cobiplex elixir*, 6 100-capsule bottles of *Probese capsules*, and 5 1-pint bottles of *Sedamar elixir*, at New York, N. Y.

Examination showed that the *Cobiplex elixir* contained 81 percent of the declared amount of vitamin B₁ and 70 percent of the declared amount of vitamin B₂; that the *Probese capsules* contained 40 percent of the declared amount of vitamin A and 85 percent of the declared amount of vitamin C; and that the *Sedamar elixir* contained 14 percent of the declared amount of vitamin B₆.

LABEL, IN PART: (Bottle) "One Pint Elixir Cobiplex," "100 Capsules Probese * * * Caution: To be dispensed only by or on the prescription of a physician," and "One Pint Elixir Sedamar * * * Caution—To be dispensed only by or on the prescription of a physician."

NATURE OF CHARGE: *Cobiplex elixir*. Adulteration, Section 501 (c), the strength of the article differed from that which it purported or was represented to possess, namely, 2 milligrams of vitamin B₁ and 2 milligrams of vitamin B₂ per teaspoonful. Misbranding, Section 502 (a), the label statement "Each Teaspoonful * * * Contains: Vitamin B₁ * * * 2 mg. Vitamin B₂ * * * 2 mg." was false and misleading as applied to the article, which contained less than 2 milligrams of vitamin B₁ and less than 2 milligrams of vitamin B₂ per teaspoonful.

Probese capsules. Adulteration, Section 501 (c), the strength of the article differed from that which it purported or was represented to possess, namely, 4000 U. S. P. units of vitamin A and 30 milligrams of vitamin C per capsule.